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11 and Melvino Technologies Limited

FILED

2011 APR -6 AM 11:03

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
SANTA ANA

BY _____

12 UNITED STATES DISTRICT COURT

13 FOR THE CENTRAL DISTRICT OF CALIFORNIA

14 SOUTHERN DIVISION

15 ARRIVALSTAR S.A. and MELVINO)
16 TECHNOLOGIES LIMITED,)

17 Plaintiffs,)

18 v.)

19 ANYDATA CORPORATION, a)
20 Delaware corporation; and DOES 1-10,)21 Defendants.)
22)
23)
24)
25)
26)
27)
28)Case No.: **SACV11-00524 CJC (MLGx)****COMPLAINT FOR PATENT
INFRINGEMENT****DEMAND FOR JURY TRIAL**

GRACE + GRACE LLP
444 South Flower Street, Suite 1650
Los Angeles, CA 90071

1 Plaintiffs ArrivalStar S.A. and Melvino Technologies Limited (collectively,
2 "ArrivalStar" or "Plaintiffs"), by and through their undersigned attorneys, for their
3 complaint against defendant AnyData Corp. ("Anytrack" or "Defendant") allege as
4 follows:

5 NATURE OF LAWSUIT

6 1. This action involves claims for patent infringement arising under the
7 patent laws of the United States, Title 35 of the United States Code. This Court
8 has exclusive jurisdiction over the subject matter of the Complaint under 28 U.S.C.
9 § 1338(a).

10 2. Venue exists in this judicial district pursuant to 28 U.S.C. §§ 1391 and
11 1400(b) in that Defendant resides in this judicial district and has committed acts of
12 infringement herein.

13 THE PARTIES

14 3. ArrivalStar S.A. is a corporation organized under the laws of
15 Luxembourg and having offices at 67 Rue Michel, Welter L-2730, Luxembourg.

16 4. Melvino Technologies Limited is a corporation organized under the
17 laws of the British Virgin Island of Tortola, having offices at P.O. Box 3152, RG
18 Hodge Building, Road Town, Tortola, British Virgin Islands.

19 5. ArrivalStar owns all right, title and interest in, and has standing to sue
20 for infringement of United States Patent No. 6,714,859 ("the '859 patent"), entitled
21 "System and method for an advance notification system for monitoring and
22 reporting proximity of a vehicle," issued March 30, 2004.

23 6. ArrivalStar owns all right, title and interest in, and has standing to sue
24 for infringement of United States Patent No. 6,804,606 ("the '606 patent"), entitled
25 "Notification systems and methods with user-definable notifications based upon
26 vehicle proximities," issued October 12, 2004.

27 7. ArrivalStar owns all right, title and interest in, and has standing to sue
28 for infringement of United States Patent No. 6,904,359 ("the '359 patent"), entitled

1 "Notification systems and methods with user-definable notifications based upon
 2 occurrence of events," issued June 7, 2005. The '359 patent was the subject of an
 3 *Inter Partes* reexamination at the United States Patent and Trademark Office. A
 4 Reexamination Certificate was issued on May 25, 2010.

5 8. ArrivalStar owns all right, title and interest in, and has standing to sue
 6 for infringement of United States Patent No. 6,952,645 ("the '645 patent"), entitled
 7 "System and method for activation of an advance notification system for
 8 monitoring and reporting status of vehicle travel," issued October 4, 2005.

9 9. ArrivalStar owns all right, title and interest in, and has standing to sue
 10 for infringement of United States Patent No. 7,191,058 ("the '058 patent"), entitled
 11 "Notification systems and methods enabling user entry of notification trigger
 12 information based upon monitored mobile vehicle location," issued March 13,
 13 2007.

14 10. Defendant Anytrack is a Delaware corporation with its place of
 15 business at 18902 Bardeen Avenue, Irvine, CA 92612. Anytrack transacts business
 16 and has offered to provide and/or provided in this judicial district services that
 17 infringe claims of the '859, '606, '359, '645, and '058 patents.

18 11. The true names and capacities of Defendants named herein as DOES
 19 1 through 10, inclusive, are currently unknown to ArrivalStar, who therefore sues
 20 said Defendants DOES 1 through 10 by such fictitious names. ArrivalStar will
 21 amend its complaint to show their true names and capacities when they have been
 22 ascertained. ArrivalStar is informed and believes, and based thereon alleges, that
 23 DOES 1 through 10, inclusive, were responsible in some manner for the acts
 24 alleged herein and are liable to ArrivalStar therefor.

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 26 //

27 //
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CLAIM FOR PATENT INFRINGEMENT

35 U.S.C. §§ 271 & 281

(Against All Defendants)

12. Defendants have infringed the '859, '606, '359, '645, and '058 patents by, among other activities, using Anytrack's vehicle tracking system without consent of Plaintiffs.

13. Anytrack's vehicle tracking system allows users to define events that will cause the creation of an alert notification and to define when they receive alerts regarding a mobile vehicle.

14. Anytrack's vehicle tracking system allows users to establish communication with the Anytrack system by logging into the Anytrack.net website and sending activation requests that are transmitted to servers.

15. Anytrack's vehicle tracking system receives location and vehicle indicator requests and tracks specific vehicles based on data transmitted from the vehicles.

16. Anytrack's vehicle tracking system allows users to specify distances and proximities from a location and waypoints that a vehicle achieves during travel and compares user-specified locations to locations of vehicles to determine if a vehicle is within a predefined geofence proximity of a location.

17. Anytrack's vehicle tracking system monitors travel data associated with a plurality of vehicles.

18. Anytrack's vehicle tracking system stores user-defined geofences, analyzes travel data of vehicles, and transmits alerts to users via email and SMS messages when a vehicle enters within a geofence.

19. Anytrack's vehicle tracking system monitors vehicles based upon data produced by GPS sensors onboard vehicles.

20. Anytrack's vehicle tracking system allows users to specify a location by clicking on a map, translates user-specific locations into sets of Longitude and

1 Latitude coordinates, and stores the Longitude and Latitude coordinates.

2 21. Defendants' infringement has injured and will continue to injure
3 ArrivalStar unless and until this Court enters an injunction prohibiting further
4 infringement and, specifically, enjoining further use of methods and systems that
5 come within the scope of the '859, '606, '359, '645, and '058 patents.

6 22. ArrivalStar is informed and believes, and based thereon alleges, that
7 Defendants' infringement has been and continues to be willful.

8 23. Defendants' conduct as alleged above has damaged, and unless
9 restrained and enjoined by this Court, will continue to cause great and irreparable
10 damage to Plaintiffs, which damage cannot be adequately compensated or
11 measured by money alone. Plaintiffs have no adequate remedy at law.

12 24. Plaintiffs also have been damaged and, until an injunction issues, will
13 continue to be damaged, in an amount not yet fully ascertainable.

14
15 **PRAYER FOR RELIEF**

16 WHEREFORE, Plaintiffs pray for relief as follows:

17 1. For judgment in favor of Plaintiffs and against Defendants, and each
18 of them, and an award of damages in an amount to be determined at trial;

19 2. For a preliminary and permanent injunction prohibiting Defendants
20 and each of their subsidiaries, affiliates, partners, parents, officers, directors, and
21 employees and agents from infringement, inducement and contributory
22 infringement of the ArrivalStar patents;

23 3. For an award of increased damages pursuant to 35 U.S.C. § 284;

24 4. For a declaration that this case is exceptional pursuant to 35 U.S.C. §
25 285;

26 5. For an award of Plaintiffs' reasonable attorneys' fees and costs;


27 6. For interest at the statutory rate; and
28

1 7. For such other and further relief as this Court may deem just and
2 proper.

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5 DATED: March 30, 2011

Respectfully submitted

GRACE+GRACE LLP



Michael K. Grace

Attorneys for Plaintiffs ArrivalStar S.A.
and Melvino Technologies Limited

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11 **JURY DEMAND**

12 ArrivalStar demands a trial by jury on all issues so triable.

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15 DATED: March 30, 2011

Respectfully submitted

GRACE+GRACE LLP



Michael K. Grace

Attorneys for Plaintiffs ArrivalStar S.A.
and Melvino Technologies Limited

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Cormac J. Carney and the assigned discovery Magistrate Judge is Marc Goldman.

The case number on all documents filed with the Court should read as follows:

SACV11- 524 CJC (MLGx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☐ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☒ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

Name & Address:

Michael K. Grace (SBN 126737)
 Ruhi Kumar (SBN 235945)
 GRACE+GRACE LLP
 444 South Flower Street, Suite 1650
 Los Angeles, CA 90017
 (213) 452-1220

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

ARRIVALSTAR S.A. and MELVINO
 TECHNOLOGIES LIMITED

PLAINTIFF(S)

v.

~~ANYDATA CORPORATION, a DELAWARE~~
 CORPORATION, AND DOES 1-10.

DEFENDANT(S)

CASE NUMBER

SACV11-00524 CJC (MLGx)

SUMMONS

TO: DEFENDANT(S): _____

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ _____ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, GRACE+GRACE LLP, whose address is 444 South Flower Street, Suite 1650, Los Angeles, CA 90071. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

APR - 6 2011

Dated: _____

By: ROLLS ROYCE PASCHAL
Deputy Clerk

(Seal of the Court)



1144

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)]

COPY

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

(a) **PLAINIFFS** (Check box if you are representing yourself ☐)

ARRIVALSTAR S A and MELVINO TECHNOLOGIES LIMITED

DEFENDANTS

ANYDATA CORP and DOES 1 through 10

b) Attorneys (Firm Name, Address and Telephone Number If you are representing yourself, provide same.)
Michael K. Grace (SBN 126737); Ruhi Kumar (SBN 235945)
GRACE+GRACE LLP
444 S Flower St., Suite 1650, Los Angeles, CA 90071
(213) 452-1220

Attorneys (If Known)

BASIS OF JURISDICTION (Place an X in one box only)1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)**III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only**
(Place an X in one box for plaintiff and one for defendant)

Citizen of This State

PIF DEF

☐ 1 ☐ 1

Incorporated or Principal Place of Business in this State

PIF DEF

☐ 4 ☐ 4

Citizen of Another State

☐ 2 ☐ 2

Incorporated and Principal Place of Business in Another State

☐ 5 ☐ 5

Citizen or Subject of a Foreign Country

☐ 3 ☐ 3

Foreign Nation

☐ 6 ☐ 6**7. ORIGIN** (Place an X in one box only)

1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint)**LASS ACTION under F.R.C.P. 23:** ☐ Yes ☒ No☒ **MONEY DEMANDED IN COMPLAINT:** \$ According to proof**I. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity)**II. NATURE OF SUIT** (Place an X in one box only.)

OTHER STATUTES	CONTRACT	TORTS	TORTS	PRISONER	LABOR
400 State Reapportionment	<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL PROPERTY	PETITIONS	<input type="checkbox"/> 710 Fair Labor Standards Act
410 Antitrust	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 720 Labor/Mgmt Relations
430 Banks and Banking	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 530 General Habeas Corpus	<input type="checkbox"/> 730 Labor/Mgmt Reporting & Disclosure Act
450 Commerce/ICC Rates/etc	<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 740 Railway Labor Act
460 Deportation	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Fed Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 790 Other Labor Litigation
470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	BANKRUPTCY	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 791 Empl Ret Inc Security Act
480 Consumer Credit	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 555 Prison Condition	
490 Cable/Sat TV	<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 423 Withdrawal 28 USC 157	FORFEITURE/PENALTY	
810 Selective Service	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	CIVIL RIGHTS	<input type="checkbox"/> 610 Agriculture	PROPERTY RIGHTS
850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 820 Copyrights
875 Customer Challenge 12 USC 3410	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input checked="" type="checkbox"/> 830 Patent
890 Other Statutory Actions	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 840 Trademark
891 Agricultural Act	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 640 R.R. & Truck	SOCIAL SECURITY
892 Economic Stabilization Act	<input type="checkbox"/> 220 Foreclosure	IMMIGRATION	<input type="checkbox"/> 445 American with Disabilities - Employment	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 861 HIA (1395ff)
893 Environmental Matters	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 446 American with Disabilities - Other	<input type="checkbox"/> 660 Occupational Safety /Health	<input type="checkbox"/> 862 Black Lung (923)
894 Energy Allocation Act	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 463 Habeas Corpus-Alien Detainee	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 863 DIWC/DIWW (405(g))
895 Freedom of Info Act	<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 465 Other Immigration Actions			<input type="checkbox"/> 864 SSID Title XVI
900 Appeal of Fee Determination Under Equal Access to Justice	<input type="checkbox"/> 290 All Other Real Property				<input type="checkbox"/> 865 RSI (405(g))
950 Constitutionality of State Statutes					FEDERAL TAX SUITS
					<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
					<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

OR OFFICE USE ONLY: Case Number: SACV11-00524 CJC (MLGx)

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes
 If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☐ No ☒ Yes
 If yes, list case number(s): SACV10-1035-IVS (RNBx)

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☒ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☒ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present

IX. VENUE: (When completing the following information, use an additional sheet if necessary)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Luxembourg British Virgin Island of Tortola

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Orange	

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Orange	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved.

X SIGNATURE OF ATTORNEY (OR PRO PER):

Michael K. Lee Date 30 March 2011

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935ff(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))